

Such safety equipment will remain City property and shall be subject to such City adopted specifications and operating procedures as deemed necessary by the City.

The wearing of bullet proof vests will be at the option of the employee and the City shall not be responsible for death or injury attributable to the failure to wear such vests except as is presently provided by workers' compensation law.

Section 22. Discipline

(a) The City may discharge, suspend, reduce pay, or demote any employee who has completed the probationary period for cause. No employee shall be discharged, suspended for a period of 30 days or longer, or be demoted unless a letter of reprimand and an opportunity to improve has been given, except that no letter of reprimand shall be required if the cause for disciplinary action is dishonesty, insubordination, use of excessive force or violence, use of illicit drugs, use of alcoholic beverages related to employment, or failure to perform as required.

(b) In cases where a letter of reprimand is required prior to disciplinary action, such action shall not necessarily have to be based upon the same type of misconduct as that which gave cause for the prior letter of reprimand; provided, however, that in offenses requiring a letter of reprimand the matter of whether a prior offense was reasonably related or similar to the present offense shall be considered in evaluation of the appropriate degree of discipline. Any disciplined employee shall be furnished with the reasons for such action in writing, with a copy of such letter furnished to the representative of the bargaining unit.

(c) The use of alcoholic beverages in connection with police department undercover work authorized by the supervisor or department head shall not constitute cause for disciplinary action under this section.

(d) It is understood and recognized by the City and the Union that FLSA-exempt employees in this unit shall be subject to serving suspensions in accordance with Department of Labor guidelines which presently provide that exempt employees may be subject to suspensions with loss of pay for five (5) days or more.

Section 23. Predisciplinary Conferences

(a) No regular employee shall be demoted, suspended, reduced in pay, or discharged for a disciplinary purpose except in accordance with the provisions of this section; provided, however, that this section shall not apply to suspensions of less than 5 days.

(b) Whenever the City Manager proposes to demote, suspend, reduce in pay, or discharge a regular employee in a case in which this section is applicable, the City Manager shall conduct an informal conference at which the employee shall have the right to respond to the charges. The City Manager shall provide the employee with written notice of the conference not less than 5 days prior thereto.

The notice shall state the nature of the proposed disciplinary action and the reasons therefor. The notice shall also include a copy of the charges and materials upon which the proposed action is based.

(c) At the conference, the employee shall have the right to present an oral or written response to the proposed action. Thereafter, the City Manager shall determine, based upon such response and the materials upon which the proposed action was based, whether to impose the action initially imposed, lesser action, or to take no action. The City Manager shall promptly notify the employee in writing of such decision.

(d) If, prior to the conference, the employee presents to the City Manager a written request that the City Manager be disqualified from conducting the conference, the City Manager shall assign a designee having no supervisory control over the employee to conduct the conference. At the conclusion of the conference, the conference officer shall recommend to the City Manager the disciplinary action to be taken, if any, and the City Manager shall determine the action to be taken and promptly notify the employee in writing of such decision.

Section 24. Suspension

Section 24.1 Suspensions Without Pay

An employee in a classification of employment set forth in Appendix "A" hereto may be suspended without pay for a disciplinary purpose.

(a) A department head shall have the power to suspend a non-FLSA-exempt subordinate employee without pay for not more than 5 workdays. The department head shall immediately notify the City Manager of the suspension in writing. The City Manager shall have the power to rescind, extend, or reduce the suspension.

(b) The City Manager shall have the power to suspend a subordinate employee for an amount of time the City Manager deems appropriate.

(c) It is the intent of this section to allocate to the department head the power to impose minor suspensions without the approval of the City Manager, but with immediate notice to the Manager, to enable the department head to take immediate action to remedy employee misconduct which may pose an immediate threat to the health, safety, or welfare of other employees or to the public at large.